

The Honorable James P. Donohue

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID L. GARRISON, an individual,

Plaintiff,

v.

MERCHANT & GOULD, P.C., a Minnesota
professional corporation, and

Defendant.

Case No.: C 09-1728 JPD

DECLARATION OF DUNCAN C.
TURNER IN SUPPORT OF PLAINTIFF'S
MOTION FOR DETERMINATION OF
AWARD OF ATTORNEYS' FEES AND
COSTS

**NOTED FOR CONSIDERATION:
April 8, 2011**

I, Duncan C. Turner, hereby declare and state as follows:

1. I am counsel for the plaintiff and am over the age of eighteen and make this declaration based upon personal knowledge.

2. I have been the Managing Partner of Badgley Mullins Law Group ("BMLG") for six years. My practice is broad, and includes employment litigation (plaintiff and defense), intellectual property infringement, commercial litigation, probate litigation, and serious injury claims. I am licensed to practice in the states of Washington (1991) and Mississippi (1990); in the Western and Eastern Districts of Washington; in the Ninth (1991), Fifth (1990), and Federal Circuit (2008) Courts of Appeal; the U.S. Tax Court (2003); the Internal Revenue Service, and

DECLARATION OF DUNCAN C. TURNER IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - 1
Case No.: CV 09-1728 JPD

BADGLEY ~ MULLINS

LAW GROUP PLLC
Columbia Center
701 Fifth Avenue, Suite 4750
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1 the U.S. Court of International Trade. At the time of this litigation, my billing rate was \$385 for
2 this matter.

3 3. Donald H. Mullins, a partner in the firm, has been practicing law since 1967. His
4 practice areas include employment litigation, securities litigation, commercial litigation, and
5 antitrust litigation, and others. He is admitted to practice in the Washington (1973), Iowa (1967),
6 the District of Columbia (1968), the Western and Eastern Districts of Washington, the Ninth
7 Circuit (1998), and the U.S. Supreme Court. As an accommodation to Mr. Garrison, Mr. Mullins
8 reduced his billing rate during the course of this litigation to \$350. His normal billing rate is
9 \$425 per hour.

10 4. Allyssa J. Hale is a 2006 graduate of the University of Oregon School of Law.
11 She is admitted to practice in Washington. Her practice areas include employment litigation,
12 intellectual property litigation, probate litigation, and commercial litigation. At the time of this
13 litigation, her billing rate was \$165.

14 5. BMLG has calculated the attorney fee request in this case by starting with the
15 entire lodestar amount for the case, which is \$72,106.00. BMLG then reduced this amount by
16 subtracting \$30,362.50 in hourly fees that were attributable to unsuccessful claims, to pre-
17 litigation activities, and to activity where BMLG attorneys and staff acted as intermediaries
18 between Garrison and Merchant during Garrison's disengagement from the firm. The remaining
19 fees for attorneys and legal assistants form the basis of the claim. The costs consist of electronic
20 research, in house copying, copying for production to the defendant, mediation fees and
21 deposition costs.

22 6. Attached hereto as Exhibit 1 are contemporaneous records of BMLG's fees
23 incurred through the litigation of this matter for which an award is requested.

24 7. Attached hereto as Exhibit 2 is a true and correct copy of BMLG's costs incurred
25 through the litigation of this matter for which an award is requested.
26

1 8. I have practiced law in Seattle for over twenty years. In that time I have become
2 familiar with the billing rates of attorneys within the jurisdiction whose skill and experience are
3 comparable to mine and those of my colleagues whose work is reflected in Exhibit 1. I have, in
4 the past, been asked to provide, and have provided, my opinion as to the reasonableness of the
5 fees incurred in their litigation. Based on my knowledge and experience, I am of the opinion that
6 the fees and costs reflected in the petition for fees are reasonable and accurate, and should be
7 awarded in their entirety.

8
9 I declare under the penalty of perjury under the laws of the State of Washington that the
10 foregoing is true and correct.

11
12 DATED this 23rd day of March, 2011.

13 s/ Duncan C. Turner
14 Duncan C. Turner, WSBA #20597
15 Badgley~Mullins Law Group PLLC
16 701 Fifth Avenue, Suite 4750
17 Seattle, WA 98104
18 Phone: 206-621-6566
19 Fax: 206-621-9686
20 Email: duncanturner@badgleymullins.com
21 **Attorney for Plaintiff**

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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s/ Duncan C. Turner
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DECLARATION OF DUNCAN C. TURNER IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - 4
Case No.: CV 09-1728 JPD

BADGLEY ~ MULLINS

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EXHIBIT 1

BADGLEY MULLINS LAW GROUP, PLLC
GARRISON FEES

<u>Date</u>	<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Value</u>	<u>Description</u>
10/30/2008	Mullins	1.20	\$350.00	\$420.00	Review of facts, conference with client and discuss plan.
11/4/2008	Hale	1.50	\$165.00	\$247.50	Met with client and started draft of complaint.
11/5/2008	Hale	5.70	\$165.00	\$940.50	Reviewed correspondence from opposing counsel. Spoke to opposing counsel, reviewed and edited letter to opposing counsel, performed research regarding two weeks notice constituting a wage under title 49. Discussed strategy of the complaint with D. Mullins and finished draft of complaint. Sent draft to client.
11/5/2008	Limon	0.20	\$95.00	\$19.00	Draft summons.
11/5/2008	Limon	0.70	\$95.00	\$66.50	Prepare summons and complaint for service; serve documents on Kayla of Merchant and Gould; draft declaration of service; review complaint.
11/5/2008	Limon	0.60	\$95.00	\$57.00	Transcribe D. Mullins' letter to R. Pins and email draft to client.
11/10/2008	Hale	1.20	\$165.00	\$198.00	Performed research regarding contractual obligation and remedy for employer not providing two weeks notice when part of employment contract. Reviewed email to from opposing counsel and reviewed client email. spoke with client and responded to opposing counsel.
11/17/2008	Mullins	0.50	\$350.00	\$175.00	Telephone conference with D. Garrison, discussion of facts, damages and strategy, review of select emails and conferences with A. White regarding status and issues.
11/21/2008	Mullins	1.20	\$350.00	\$420.00	Email and calls to client and communications with Mr. Pins regarding meeting, email to Merchant & Gould regarding not providing and releasing case files and information.
12/1/2008	Mullins	0.60	\$350.00	\$210.00	Review of file and preparation for meeting with Merchant and Gould counsel.
12/3/2008	Mullins	3.00	\$350.00	\$1,050.00	Travel to Minneapolis.
12/3/2008	Mullins	1.80	\$350.00	\$630.00	Review of file and outline of notes from conferences with Dave Garrison, attend meeting with counsel and representatives of Merchant & Gould.

12/4/2008	Mullins	0.30	\$350.00	\$105.00	Conference with A. White regarding issues, plan and meeting.
12/10/2008	Mullins	0.40	\$350.00	\$140.00	Telephone conference with D. Garrison regarding status, plan and potential settlement.
12/12/2008	Mullins	1.40	\$350.00	\$490.00	Telephone conference with Mr. Pins, review of meeting notes and memo and memo to Mr. Garrison regarding current position of Merchant & Gould and Pins.
12/15/2008	Mullins	0.40	\$350.00	\$140.00	Telephone conference with R. Pins and discussion of claim and resolution.
12/17/2008	Mullins	1.80	\$350.00	\$630.00	Review of notes, research regarding claim, telephone calls to Dave Garrison regarding damages and facts, telephone conference with R. Pins regarding settlement, damages and subsequent memo to D. Garrison.
12/19/2008	Mullins	0.20	\$350.00	\$70.00	Conference with with Rick Pins and review of documents.
1/14/2009	Mullins	0.20	\$350.00	\$70.00	Review of email communications and telephone conference with R. Pins.
1/22/2009	Mullins	0.20	\$350.00	\$70.00	Telephone conference with Mr. Rick Pins regarding issues concerning D. Garrison such as what will be said to employers calling about him.
1/23/2009	Mullins	0.20	\$350.00	\$70.00	Conference with A. White and telephone conference with R. Pins.
1/29/2009	Mullins	0.60	\$350.00	\$210.00	Review of status for response and research certain legal issues including breach of contract (providing notice), damages and related issues.
1/30/2009	Mullins	1.10	\$350.00	\$385.00	Further review of claims and responses and outline and draft memo to A. White regarding response and telephone call to client.
2/9/2009	Hale	0.20		\$33.00	Discussed settlement timeline with opposing counsel and discussed damages with D. Mullins.
2/25/2009	Mullins	1.40	\$350.00	\$490.00	Review and revise demand letter, further review of letter and conferences with Ms. Hale.
2/26/2009	Mullins	2.40	\$350.00	\$840.00	Review and modify the demand letter, conferences with Ms. Hale, review and revise the demand letter and telephone conference with Mr. Garrison.
2/27/2009	Mullins	0.20	\$350.00	\$70.00	Telephone conference with D. Garrison.
3/2/2009	Mullins	0.30	\$350.00	\$105.00	Review of status and telephone conference to David Garrison.

3/6/2009	Mullins	0.20	\$350.00	\$70.00	Review of status and review plan for mediation and conference with A. Hale.
3/9/2009	Mullins	0.40	\$350.00	\$140.00	Conference regarding settlement and communication with counsel regarding a mediation.
3/13/2009	Hale	0.40	\$165.00	\$66.00	Spoke to R. Pins regarding mediation and sent email regarding the same.
3/16/2009	Hale	0.50	\$165.00	\$82.50	Reviewed voicemail from D. Mullins regarding mediation and put together list of mediators, called client and opposing counsel.
3/17/2009	Hale	0.40	\$165.00	\$66.00	Reviewed voicemail from D. Mullins regarding mediation, reviewed email to client regarding mediation and made edits, discussed mediation strategy with D. Mullins and called opposing counsel.
3/17/2009	Limon	0.10	\$95.00	\$9.50	Telephone call to JDR to schedule mediation.
3/17/2009	Mullins	1.10	\$350.00	\$385.00	Conferences with A. Hale regarding mediation and mediators, discuss response and the main points to make at mediation including the bonus promise, loss of King and Prince, underpayment.
3/18/2009	Hale	4.10	\$165.00	\$676.50	Worked on mediation brief and met with D. Mullins.
3/18/2009	Limon	0.30	\$95.00	\$28.50	Telephone call from K. LaRoche from JDR regarding scheduling of mediation; email A. Hale regarding status.
3/18/2009	Mullins	2.20	\$350.00	\$770.00	Email communications with A. Hale, discuss strategy and theory of losses and liability with A. Hale, discuss strategy and plan of liability and damages for mediation, email to Mr. Garrison setting forth matters relating to the mediation and theories of damages to be presented.
3/19/2009	Limon	0.70	\$95.00	\$66.50	Email correspondence with K. LaRoche regarding scheduling of mediation.
3/19/2009	Mullins	1.70	\$350.00	\$595.00	Telephone conference with Mr. Garrison, communications and meetings with A. Hale, review of documents and research.
3/23/2009	Hale	1.20	\$165.00	\$198.00	Reviewed voice mail from D. Mullins, performed additional review of mediation letter per D. Mullins' request. Reviewed new Answer, sent to client and discussed with client.
3/23/2009	Limon	1.20	\$95.00	\$114.00	Review mediation statement and arrange for delivery to JDR and S. Scott.

3/24/2009	Hale	4.00	\$165.00	\$660.00	Prepared agenda for meeting per D. Mullins' request. Attended mediation preparation with client and D. Mullins and drafted additional client statement for mediator.
3/25/2009	Hale	4.20	\$165.00	\$693.00	Reviewed materials and attended mediation. Sent email to opposing counsel and discussed strategy with D. Mullins.
3/25/2009	Mullins	4.80	\$350.00	\$1,680.00	Preparation for mediation, review of the statement, review of mediation letter, conference with A. Hale, attend and participate in the mediation.
3/27/2009	Hale	1.10	\$165.00	\$181.50	Discussed document request with D. Mullins, prepared request, reviewed letter with D. Mullins, made edits and sent to opposing counsel.
4/8/2009	Hale	0.50	\$165.00	\$82.50	REviewed bill and made edits. Discussed with JT.
4/9/2009	Hale	0.10	\$165.00	\$16.50	Sent email to opposing counsel regarding documents and protective order.
4/10/2009	Hale	0.80	\$165.00	\$132.00	Reviewed protective order and email from opposing counsel. Sent update to D. Mullins.
4/13/2009	Hale	0.30	\$165.00	\$49.50	Reviewed voice mail from opposing counsel regarding the protective order and responded.
4/16/2009	Hale	0.40	\$165.00	\$66.00	Negotiated terms of protective order. Drafted new language and sent to opposing counsel.
4/17/2009	Hale	0.20	\$165.00	\$33.00	Sent opposing counsel email regarding the protective order and sent client an email regarding a meeting.
4/23/2009	Turner	0.50	\$325.00	\$162.50	Meet with client to discuss case progress, current discovery, etc.
5/12/2009	Hale	0.40	\$165.00	\$66.00	Reviewed contract and started letter to Pins. Sent email to client.
5/13/2009	Hale	0.20	\$165.00	\$33.00	Called R. Pins regarding information we received and also discussed with client.
5/14/2009	Hale	0.20	\$165.00	\$33.00	Spoke to R. Pins and JT Naples regarding receiving additional information regarding billing and discussed with D. Mullins.
5/18/2009	Hale	1.10	\$165.00	\$181.50	Worked on new calculation based on information sent by M&G. Sent information to client and worked on letter to M&G.
5/28/2009	Hale	0.20	\$165.00	\$33.00	Reviewed email from opposing counsel and sent email to client.
6/16/2009	Hale	0.10	\$165.00	\$16.50	Sent email to R. Pins regarding status of response to demand letter.
6/17/2009	Hale	0.20	\$165.00	\$33.00	Reviewed email from R. Pins and emailed D. Mullins.

6/18/2009	Hale	0.20	\$165.00	\$33.00	Reviewed draft letter from D. Mullins, discussed with D. Mullins and sent to client.
6/30/2009	Mullins	2.30	\$350.00	\$805.00	Conferences with A. Hale, conferences with D. Turner and A. Hale, review of case and review of documents.
7/1/2009	Mullins	0.20	\$350.00	\$70.00	Review of status.
10/14/2009	Mullins	0.80	\$385.00	\$308.00	Conference call with D. Garrison, further reievew of facts and strategy and conference with A. Hale and email memo to A. Hale.
11/5/2009	Hale	2.00	\$165.00	\$330.00	Started research for discovery for wage/hour suits. Reviewed CA standard Rogs/RFPs. Prepared for filing, reviewed with D. Mullins, and reviewed D. Mullins voicemail/emails. Reviewed email to opposing counsel.
11/5/2009	Limon	1.20	\$95.00	\$114.00	Review summons and complaint; assist D. Menillo with filing summons and complaint with King County Superior Court; calendar pretrial deadlines.
11/24/2009	Mullins	0.20	\$350.00	\$70.00	Review of status, discuss and plan discovery upon receipt of answer.
11/30/2009	Limon	0.20	\$95.00	\$19.00	Review notice of appearance and update service list.
11/30/2009	Mullins	0.30	\$350.00	\$105.00	Communications with A. Hale regarding discovery and response to Mr. Garrison.
12/4/2009	Mullins	0.30	\$350.00	\$105.00	Review of the removal (to federal court) papers and email to client.
12/7/2009	Hale	1.50	\$165.00	\$247.50	Reviewed pleadings, papers, performed research regarding remand and discussed with D. Mullins.
12/9/2009	Limon	0.20	\$95.00	\$19.00	Review order regarding initial disclosures and joint status report and calendar deadlines.
1/6/2010	Hale	3.20	\$165.00	\$528.00	Participated in Rule 26(f) conference with R. Pins. Started initial disclosures and status report/discovery plan. Worked on disc.
1/13/2010	Hale	1.00	\$165.00	\$165.00	Finished draft.
1/15/2010	Hale	2.00	\$165.00	\$330.00	Finished initial disclosures, reviewed with client and made additions/edits.
1/20/2010	Hale	1.50	\$165.00	\$247.50	Finished joint statement and discovery plan. Sent to opposing counsel, reviewed and made edits and finalized. Reviewed email from local counsel regarding contact information, drafted praecipe. Reviewed with D. Mullins.
1/20/2010	Limon	0.80	\$95.00	\$76.00	Review and edit joint status report and arrange for filing.
2/8/2010	Hale	3.20	\$165.00	\$528.00	Sent client an update, discussed matter with D. Turner and D. Mullins and worked on summary judgment.

2/22/2010	Hale	0.20	\$165.00	\$33.00	Discussed filing the summary judgment motion with D. Turner.
3/22/2010	Hale	0.80	\$165.00	\$132.00	Drafted/sent letter to opposing counsel, called client, discussed with D. Turner.
3/23/2010	Hale	1.20	\$165.00	\$198.00	Sent protective order to opposing counsel with final edits and sent client an update. Reviewed client voicemail. Reviewed email from opposing counsel.
3/25/2010	Hale	0.30	\$165.00	\$49.50	Spoke to opposing counsel regarding use of ER 408 documents, discovery, and protective order. Sent update to client.
4/26/2010	Hale	0.20	\$165.00	\$33.00	Reviewed order.
5/6/2010	Hale	2.50	\$165.00	\$412.50	Worked on discovery.
5/28/2010	Hale	1.20	\$165.00	\$198.00	Discussed SJ/Discovery with D. Turner and worked on discovery.
6/8/2010	Hale	1.00	\$165.00	\$165.00	Made final edits to discovery, reviewed email from opposing counsel regarding noting Mr. Garrison's deposition and reviewed/responded to email regarding protective order.
6/8/2010	Limon	0.90	\$95.00	\$85.50	Proof read discovery requests, edit for formatting errors and arrange for service; calendar response deadline.
6/11/2010	Limon	0.20	\$95.00	\$19.00	Calendar deadline to respond to defendant's discovery requests; review discovery requests.
6/16/2010	Hale	0.70	\$165.00	\$115.50	Reviewed case schedule, filings, and correspondence with opposing counsel, reviewed client email and drafted response and revised with D. Mullins.
6/18/2010	Turner	0.70	\$385.00	\$269.50	Respond to client inquiry.
6/25/2010	Hale	1.20	\$165.00	\$198.00	Spoke to opposing counsel regarding discovery, protective order and depositions. Attended client meeting and sent email to opposing counsel regarding deposition scheduling.
7/15/2010	Hale	1.60	\$165.00	\$264.00	Discussed protective order and discovery issues with opposing counsel, reviewed protective order and made edits/sent to opposing counsel and prepared for filing, drafted and sent letter regarding discovery to opposing counsel, provided update to client and reviewed/responded to client emails.
7/15/2010	Limon	0.50	\$95.00	\$47.50	Review and edit stipulation for protective order.

3

7/21/2010	Hale	2.00	\$165.00	\$330.00	Worked on discovery responses, reviewed client email and responded, spoke to client briefly in office and discussed discovery with C. Limon, reviewed client documents for production and client answers.
7/21/2010	Limon	0.60	\$95.00	\$57.00	Email stipulation for protective order to judge; meeting with client regarding document production.
7/22/2010	Hale	0.50	\$165.00	\$82.50	Reviewed discovery.
7/22/2010	Limon	3.80	\$95.00	\$361.00	Begin review of client documents in preparation for document production.
7/23/2010	Limon	0.40	\$95.00	\$38.00	Email client regarding additional documents needed for document production.
7/23/2010	Limon	0.60	\$95.00	\$57.00	Continue reviewing documents in preparation for document production.
7/26/2010	Hale	6.20	\$165.00	\$1,023.00	Finished objections. Discussed certain discovery responses with D. Turner. Finished document review and designation. Completed answers and reviewed with client. Reviewed final draft with C. Limon.
7/26/2010	Limon	6.70	\$95.00	\$636.50	Prepare documents for production; draft responses to requests for production; review and edit responses to interrogatories for grammatical errors; arrange for service.
7/26/2010	Stephens	3.70	\$70.00	\$259.00	Prepare client documents for production.
7/30/2010	Hale	2.60	\$165.00	\$429.00	Started review of the documents produced by opposing counsel.
8/2/2010	Hale	3.00	\$165.00	\$495.00	Finished document review. Reviewed flagged documents again for summary judgment exhibits. Discussed summary judgment strategy and drafting a CR 37 letter with D. Turner.
8/3/2010	Hale	2.70	\$165.00	\$445.50	Performed research regarding contract construction for SJ motion, worked on argument section. Reviewed documents again for exhibits and discussed with D. Turner.
8/4/2010	Hale	1.00	\$165.00	\$165.00	Worked on damages calculation.
8/6/2010	Hale	0.50	\$165.00	\$82.50	Checked calculations and compared with calculations of M&G. Started draft of discovery letter.
8/10/2010	Hale	1.30	\$165.00	\$214.50	Discussed document production with D. Turner and met with client regarding discovery, his deposition, and summary judgment strategy.
8/10/2010	Turner	1.00	\$385.00	\$385.00	Meet with client and discuss/refine strategy.
8/13/2010	Hale	1.00	\$165.00	\$165.00	Worked on motion for summary judgment.

8/16/2010	Hale	4.50	\$165.00	\$742.50	Finished review of documents for fact section, discs/ review memo from B. Stephens regarding origination of work. Reviewed financial information and discussed discrepancies with D. Turner. Worked on summary judgment.
8/18/2010	Hale	6.30	\$165.00	\$1,039.50	Discussed/reviewed financial documents with D. Turner, spoke to client regarding promotional expenses and finished draft of motion. Reviewed documents for D. Turner for dep prep and discussed complaint/documents with D. Turner. Added document to motion per search in documents produced by M&G regarding promotional account.
8/18/2010	Turner	0.70	\$385.00	\$269.50	Evaluate current damages demand.
8/19/2010	Hale	4.30	\$165.00	\$709.50	Pulled discovery regarding bonus practices and discussed with D. Turner. Highlighted email regarding the same. Discussed morning deposition with D. Turner, reviewed exhibits and attended deposition in the afternoon.
8/19/2010	Turner	3.50	\$385.00	\$1,347.50	Prep for and defend D. Garrison deposition.
8/20/2010	Hale	0.80	\$165.00	\$132.00	De-briefed D. Turner regarding afternoon portion of deposition. Discussed affect of testimony on claims and reviewed email regarding the same to D. Mullins. Discussed deposition and status of matter with D. Mullins.
8/25/2010	Turner	0.60	\$385.00	\$231.00	Coordinate phone meeting with R. Pins; alert client regarding same; work with A. Hale regarding true damage demand.
8/30/2010	Hale	1.20	\$165.00	\$198.00	Reviewed emails between D. Turner and R. Pins and client from the past week and discussed settlement numbers with D. Turner. Drafted memo regarding lost wages for D. Turner and discussed with D. Turner.
8/31/2010	Hale	1.80	\$165.00	\$297.00	Participated in phone conference with D. Turner and opposing counsel regarding dismissal of claim and settlement. Spoke to client regarding the same and reviewed follow up emails. Started draft of settlement letter and reviewed discovery responses/recalculated numbers.
8/31/2010	Turner	0.30	\$385.00	\$115.50	Work on settlement offer.
9/1/2010	Hale	1.50	\$165.00	\$247.50	Drafted dismissal, worked on letter and performed research regarding compensation issues.

9/2/2010	Hale	3.70	\$165.00	\$610.50	Reviewed e-tran for designations under the protective order and reviewed morning testimony.
9/3/2010	Hale	0.50	\$165.00	\$82.50	Worked on letter to opposing counsel.
9/7/2010	Hale	2.60	\$165.00	\$429.00	Finished settlement letter, performed calculations and reviewed discovery and responses again for accuracy.
9/10/2010	Hale	0.40	\$165.00	\$66.00	Made final edits and sent letter to D. Turner. Reviewed client email and discussed with D. Turner.
9/10/2010	Mullins	0.20	\$385.00	\$77.00	Conference with D. Turner regarding status of negotiation and positions.
9/10/2010	Turner	0.50	\$385.00	\$192.50	Edit and forward settlement letter; respond to client inquiry.
9/14/2010	Turner	0.30	\$385.00	\$115.50	Send letter to R. Pins.
9/21/2010	Turner	0.20	\$385.00	\$77.00	Update from R. Pins; forward to client.
10/5/2010	Turner	0.40	\$385.00	\$154.00	Send recommendation to client regarding settlement; draft offer to R. Pins.
10/13/2010	Hale	0.40	\$165.00	\$66.00	Reviewed emails from opposing counsel and discussed with D. Turner.
10/13/2010	Turner	0.20	\$385.00	\$77.00	More exchanges of settlement offers.
10/27/2010	Hale	1.10	\$165.00	\$181.50	Reviewed and made preliminary edits to MPSJ, sent to D. Turner and discussed plan moving forward with D. Turner.
10/27/2010	Turner	1.00	\$385.00	\$385.00	Meet with client.
11/15/2010	Hale	2.00	\$165.00	\$330.00	Worked on MSJ and drafted declarations.
11/16/2010	Hale	0.50	\$165.00	\$82.50	Made edits to declaration and sent client declaration and update.
12/10/2010	Limon	0.10	\$95.00	\$9.50	Draft notice of unavailability.
1/5/2011	Limon	1.20	\$95.00	\$114.00	Review motion for summary judgment and edit; begin draft of D. Turner declaration; gather exhibits for D. Turner and D. Garrison declarations.
1/5/2011	Turner	0.80	\$385.00	\$308.00	Review motion for summary judgment and coordinate edits and filing.
1/6/2011	Baines	3.50	\$110.00	\$385.00	Proofread and edit plaintiff's Motion for Partial Summary Judgment. Draft Declaration of D. Turner and Proposed Order. Review Stipulated Protected Order regarding Confidential Materials. Review LR 5. Contact court clerk regarding filing sealed documents. E-file Motion and supporting pleadings.
1/6/2011	Hale	0.30	\$165.00	\$49.50	Discussed declarations to summary judgment motion with D. Turner, C. Limon and S. Baines.
1/6/2011	Hale	2.60	\$165.00	\$429.00	Reviewed defendants motion for summary judgment and declarations and started memo for D. Turner.

1/6/2011	Limon	0.50	\$95.00	\$47.50	Review file for exhibits to declaration of D. Turner; telephone call from client regarding motion for summary judgment; email service of D. Turner declaration to A. Pannoni and arrange for FedEx service to R. Pins.
1/7/2011	Limon	0.10	\$95.00	\$9.50	Calendar briefing schedule for motions for summary judgment.
1/24/2011	Baines	0.70	\$110.00	\$77.00	Proof and edit opposition to defendant's motion for summary judgment and Garrison's declaration in support of opposition. Draft proposed order. Conference with D. Turner. Email pleadings to C. Limon for filing.
1/24/2011	Limon	0.30	\$95.00	\$28.50	Arrange for filing of response to defendant's motion for summary judgment.
1/24/2011	Limon	0.50	\$95.00	\$47.50	Begin draft of plaintiff's pretrial statement.
1/24/2011	Turner	0.90	\$385.00	\$346.50	Work on SJ response.
1/25/2011	Limon	2.60	\$95.00	\$247.00	Continue drafting pretrial statement.
1/27/2011	Limon	0.60	\$95.00	\$57.00	Review and edit pretrial statement and arrange for service.
1/27/2011	Turner	0.50	\$385.00	\$192.50	Review Pretrial Statement.
1/31/2011	Turner	0.30	\$385.00	\$115.50	Respond to Pins' email.
2/8/2011	Turner	0.20	\$385.00	\$77.00	Pass on inquiry from Pins.
2/12/2011	Tsognyi	2.00	\$95.00	\$190.00	Review and digesting of David Garrison's deposition of August 19, 2010
2/13/2011	Tsognyi	2.50	\$95.00	\$237.50	Continue review and digesting of David Garrison's deposition of August 19, 2010
2/14/2011	Tsognyi	1.50	\$95.00	\$142.50	Continue review and digesting of David Garrison's deposition of August 19, 2010
2/15/2011	Turner	2.40	\$385.00	\$924.00	Prepare for hearing; draft responses to court's 6 questions; confer with client and A. Hale.
2/16/2011	Turner	5.50	\$385.00	\$2,117.50	Continue preparation for hearing; argue summary judgment; confer with client and R. Pins regarding trial by affidavit; engage in settlement discussions; continue court appearance.
2/18/2011	Limon	0.20	\$95.00	\$19.00	Review D. Turner email regarding case status; remove pretrial deadlines from calendar.
		<u>204.50</u>		<u>\$41,743.50</u>	
		Hours		Fees	

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EXHIBIT 2

BADGLEY MULLINS LAW GROUP, PLLC
GARRISON COSTS

<u>DATE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
12/8/2008	\$8.70	In house copy expense during the month of December 2008
12/12/2008	\$109.27	Electronic research during the month of November 2008 A. White
12/31/2008	\$73.00	Travel expense for D. Mullins for meeting with Richard Pins (split 50/50 with Dick Siefert)
1/7/2009	\$207.64	Lodging and Food D. Mullins hotel in Minneapolis.
1/7/2009	\$8.25	Travel expense D. Mullins airline ticket to Minneapolis.
1/7/2009	\$40.04	Travel expense D. Mullins rental car in Minneapolis.
2/3/2009	\$11.40	In house copy expense during the month of January 2009
2/11/2009	\$40.00	Moving of Mr. Garrison's furniture items from Merchant & Gould to the freight elevator in January.
2/23/2009	\$64.11	Electronic research during the month of January 2009 A. Hale
3/24/2009	\$9.50	Courier service ABC Courier Invoice #20077826 Date 3/24/2009 Mediation Statement; Check
3/24/2009	\$825.00	Mediation Fee - Judicial Dispute Resolution
3/30/2009	\$4.62	Electronic research during the month of February 2009 A. Hale
3/30/2009	\$1.20	In house copy expense during the week of March 16, 2009 C. Limon
4/21/2009	\$1.50	In house copy expense during the month of March 2009
4/28/2009	\$62.08	Electronic research during the month of March 2009 J. Tsognyi \$4.44, A. Hale \$55.49
7/29/2009	\$6.59	Electronic research during the month of June 2009 A. Hale
8/24/2009	\$34.88	Electronic research during the month of July 2009 A. Hale
11/2/2009	\$2.25	In house copy expense during the month of October 2009
11/5/2009	\$232.49	Filing fee for Summons and Complaint
11/30/2009	\$4.20	In house copy expense during the month of November 2009
11/30/2009	\$9.10	Electronic research during the month of November, 2009. A. Hale
12/31/2009	\$393.40	Electronic research during the month of December, 2009. A. Hale
12/31/2009	\$25.80	In house copy expense during the month of December 2009
1/31/2010	\$6.60	In house copy expense during the month of January 2010
3/1/2010	\$9.18	Electronic research during the month of February, 2010. A. Hale
4/1/2010	\$35.73	Electronic research during the month of March, 2010. A. Hale
6/21/2010	\$11.06	Electronic research during the month of May, 2010. A. Hale
6/30/2010	\$6.30	In house copy expense during the month of June 2010
6/30/2010	\$34.47	Electronic research during the month of June, 2010. A. Hale
7/30/2010	\$18.13	Federal Express to Richard Pins Leonard Street & Deindard, Minneapolis MN- 7/27/2010 Fed Ex Invoice #7-174-31451, Invoice Date 7/30/2010
7/31/2010	\$9.30	In house copy expense during the month of July 2010
8/1/2010	\$13.07	Electronic research during the month of July, 2010.
8/31/2010	\$549.20	Deposition costs for transcript of dep of David Garrison - Marlis J. DeJongh & Associates, Ltd.
8/31/2010	\$67.30	Electronic research during the month of August, 2010. A. Hale
9/30/2010	\$19.57	Electronic research during the month of September, 2010. A. Hale
12/1/2010	\$51.69	Electronic research during the month of November, 2010. A. Hale

1/6/2011	\$35.55	BMLG Computer Print Log - ECFs B. Stephens 1/6/2011.
1/6/2011	\$28.53	Federal Express to Richard Pins, Minneapolis MN, 1/06/2011. Fed Ex Invoice # 7-360-39161
1/24/2011	\$4.05	BMLG Computer Print Log- Pleadings filed by opposing counsel. B. Stephens 1/24/2011.
1/31/2011	\$11.40	In house copy expense during the month of January 2011.
1/31/2011	\$31.65	Electronic research during the month of January, 2011. D. Turner
2/11/2011	\$11.40	BMLG Computer Print Log- D. Turner Working Notebook. 2/11/2011 Y. Dorjee.
2/28/2011	\$14.25	BMLG Computer Print Log- MSJ, Decl. of Garrison, Ex. A to Decl of D. Turner. 2/11/2011 S.Baines.
2/28/2011	\$4.05	In house copy expense during the month of February 2011.
2/28/2011	\$97.23	Electronic research during the month of February, 2011. D. Turner
	<u>\$3,244.73</u>	